

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

BRUCE ALLEN LOPES,)	CASE NO. 5:23 CV 674
)	
Plaintiff,)	
)	
v.)	JUDGE DONALD C. NUGENT
)	
COMMISSIONER OF SOCIAL SECURITY ADMINISTRATION,)	Magistrate Judge Darrell A. Clay
)	
Defendant.)	<u>MEMORANDUM OPINION</u>
)	

This matter is before the Court upon the Report and Recommendation of Magistrate Judge Darrell A. Clay. (Document #11.) On March 30, 2023, Plaintiff, Bruce Allen Lopes, filed his Complaint (Docket #1) challenging the final decision of the Commissioner of Social Security denying his Application for Disability Insurance Benefits. Pursuant to Local Rule 72.2(b), the case was referred to Magistrate Judge Clay.

On February 13, 2024, the Magistrate Judge issued his Report and Recommendation. The Magistrate Judge recommends that the Commissioner's decision denying Mr. Lopes' Application for Disability Insurance Benefits be affirmed. Objections to the Report and Recommendation were to be filed by February 27, 2024. No objections were filed.

Standard of Review for a Magistrate Judge's Report and Recommendation

The applicable standard of review of a magistrate judge's report and recommendation depends upon whether objections were made to that report. When objections are made to a report and recommendation of a magistrate judge, the district court reviews the case de novo. FED. R. CIV. P. 72(b)(3) reads as follows:

The district judge must determine de novo any part of the magistrate judge's disposition that has been properly objected to. The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.

The text of Rule 72(b) addresses only the review of reports to which objections have been made; it does not indicate the appropriate standard of review for those reports to which no objections have been properly made. The Advisory Committee on Civil Rules commented on a district court's review of *unopposed* reports by magistrate judges. In regard to subsection (b) of Rule 72, the advisory committee stated: "When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." FED. R. CIV. P. 72 advisory committee's notes (citation omitted).

The U.S. Supreme Court stated in *Thomas v. Arn*, 474 U.S. 140, 150 (1985): "It does not appear that Congress intended to require district court review of a magistrate judge's factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings."

Conclusion

The Court has carefully reviewed the thorough and well-reasoned Report and Recommendation issued by Magistrate Judge Clay and agrees with the findings set forth

therein.

The Report and Recommendation of Magistrate Judge Clay (Docket #11) is hereby ADOPTED. The decision of the Commissioner denying Mr. Lopes' Application for Disability Insurance Benefits is hereby AFFIRMED.

This case is hereby TERMINATED.

IT IS SO ORDERED.



DONALD C. NUGENT
United States District Judge

DATED: March 13, 2024